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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAM, TUAN

ART UNIT

PAPER NUMBER

2618

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/004,001	Applicant(s) ZHAO ET AL.	
	Examiner TUAN A. PHAM	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42, 44-50 and 56-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42, 44-50, and 56-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 11/05/2008 have been fully considered but they are not persuasive.

In response to applicant's remark on page 5, Applicant argues that "the numbers in Woods' Fig. 2 are merely patent reference numerals that appear on a drawing of a keyboard in Woods' patent. They do not appear in Woods' actual keyboard (Fig. 1 reproduced in-part below) as would be required by claims 42 and 47".

In response to applicant's arguments as stated above, Examiner respectfully disagrees with the applicant's argument. It is clearly seen that the figure 2 of Wood disclose the detail view of the keyboard 1 of the Wood's invention. The keyboard 1 arranged throughout row 68, row 78, and row 84 that are having the twenty six letter keys of the English language. Each of the 26 letter keys are arranged with each different number thereon (see figure 2, 26 letter keys A-Z, number 96-121, col.10, ln.26-67). Furthermore, Examiner reject claims 42 and 47 under 35 U.S.C. 103(a) as combine Nokia user's Manual in view of Wood. One must **consider the combination of references as a whole** under a 103 rejection. In this case, the combination of Nokia user's Manual in view of Wood are meet the claimed invention.

For the reasons above, the 103 rejections as set forth in the last Office Action stand.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 42, 44, 46-50, and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Nokia user's manual 900i 06/07/1998, hereinafter, "PA") in view of Woods (US Patent No.: 6,965,372).**

Regarding claims 42 and 56, PA teaches a communication device comprising (see figure 2-11, page 2-10):

a keyboard having at least twenty six keys that are labeled with a different letter of the alphabet and configured to generated an output signal (see figure 2-11, page 2-10), the number being 2-9 respectively for keys labeled with A-C, D-F, G-I, J-L, M-O, P-S, T-V and W-Z (see figure 1-1, page 1-1, the keypad of mobile phone is arranged the

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number 2 respectively for the key labeled with A-C, the number 3 respectively for the key labeled with D-F, and so on);

a processor for converting the output signal into a character code (see page 3-2, it is obvious that the PDA should be included a processor for converting a signal to character code when the user using the text);

means for converting the output signal into a telephony tone signal (see page 3-2, 4-5, it is obvious that the PDA should be included a processor for converting a signal to telephone tone when the user dial the number, DTMF);

software applications stored by the communication device and executed by the processor (see page 2-8), and

a keyboard mode control software module that automatically controls whether the keyboard output signals from the keys are converted into character codes or telephony tone signals based on which of the plurality of software applications is active (see figure 2-11, the keyboard as shown in figure 2-11 is store plurality of applications to support multiple mode, each mode is associated with different software application. When the user selects the telephone mode from the keyboard, the controller automatically run on the telephone software application, and when the user selects the calculator mode, the controller automatically run on calculator software application, page 2-8, 2-10, 2-11).

It should be noticed that PA fails to teach a keyboard having at least twenty six keys that are each labeled with a different letter of the alphabet and with a number. However, Woods teaches a keyboard having at least twenty six keys that are each labeled with a different letter of the alphabet and with a number (the keyboard 1

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arranged throughout row 68, row 78, and row 84 are having the twenty six letter keys of the English language. Each of the 26 letter keys are arranged with each different number thereon, see figure 2, 26 letter keys A-Z, number 96-121, col.10, ln.26-67).

Both of Nokia user'manual and Wood reference disclosed the keyboard for entering the data to the computer or mobile phone. It is the common knowledge that obvious to those skill in the art to modify the keyboard of Nokia user'manual with the teaching of Wood to meet the claimed invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Woods into view of PA in order to provide a enhanced keyboard arrangement which will enable the user to type and process words more quickly, efficiently, and effortlessly as suggested by Woods at col.2, ln.33-38.

Regarding claims 44 and 57, PA further teaches QWERTY keyboard (see figure 2-11).

Regarding claim 46, PA further teaches a mode key with which a user can switch conversion of the output signals from telephony signals to character codes (see figure 2-11, application button 1, page 2-10, the user can press the application button 1 to select the mode).

Regarding claim 47, PA teaches a communication device comprising (see figure 2-11, page 2-10):

means for generating, for each key pressed by a user, a telephony tone signal corresponding to the number assigned to the pressed key (see figure 13-1, pages 13-1,

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13-3, it is clearly seen that DTMF is generating the tone associate with the number when the user press the key to make a call).

It should be noticed that PA fails to teach a keyboard having at least twenty six keys that are each labeled with a different letter of the alphabet and each assigned a number. However, Woods teaches a keyboard having at least twenty six keys that are each labeled with a different letter of the alphabet and each assigned a number (the keyboard 1 arranged throughout row 68, row 78, and row 84 are having the twenty six letter keys of the English language. Each of the 26 letter keys are arranged with each different number thereon, see figure 2, 26 letter keys A-Z, number 96-121, col.10, ln.26-67). Both of Nokia user'manual and Wood reference disclosed the keyboard for entering the data to the computer or mobile phone. It is the common knowledge that obvious to those skill in the art to modify the keyboard of Nokia user'manual with the teaching of Wood to meet the claimed invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Woods into view of PA in order to provide a enhanced keyboard arrangement which will enable the user to type and process words more quickly, efficiently, and effortlessly as suggested by Woods at col.2, ln.33-38.

Regarding claim 48, PA further teaches the numbers 2-9 are assigned respectively to keys labeled A-C, D-F, G-I, J-L, M-O, P-S, T-V and W-Z (see figure 1-1, page 1-1, the keypad of mobile phone is arranged the number 2 respectively for the key labeled with A-C, the number 3 respectively for the key labeled with D-F, and so on).

Regarding claim 49, PA further teaches QWERTY keyboard (see figure 2-11).

Regarding claim 50, Woods further teaches each key is labeled with its assigned number (see figure 2, letter A-Z, Number 96-121, col.10, ln.26-60).

Regarding claim 58, PA further teaches means for generating, for each key pressed by a user, a telephony tone signal for the number corresponding to the pressed key (see figure 13-1, pages 13-1, 13-3, it is clearly seen that DTMF is generating the tone associate with the number when the user press the key to make a call).

4. **Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Public Application (Nokia user's manual 900i 06/07/1998, hereinafter, "PA") in view of Woods (US Patent No.: 6,965,372) as applied to claim 42 above, and further in view of Ahlemeyer et al. (US Patent No.: 4,888,815, hereinafter, "Ahlemeyer").**

Regarding claim 45, PA and Woods, in combination, fails to teach display the character codes. However, Ahlemeyer teaches display the character codes (see col.6, ln.47-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Ahlemeyer into view of PA and Woods in order to provide the geographical region selected by the user as suggested by Ahlemeyer at col.6, ln.47-50.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/TUAN A PHAM/

Primary Examiner, Art Unit 2618